IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 645 OF 2007

Shri Ganesh Appa Pachare ...Applicant
V/s.
Mrs.Jayashree Ganesh Pachare & Anr. ...Respondents

Smt.Deepa Matwankar for the Applicant.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : DECEMBER 19, 2007

P.C. :-

1. The Family Court by order dated 9th August, 2006 made an order under Section 125 directing the applicant to pay Rs.2000/- per month as maintenance to the wife and Rs.1500/- per month to the daughter as maintenance. The applicant filed application for modification of that order under Section 127. The only ground on which modification was sought was that the Government of Maharashtra, in whose employment the applicant is working as a Doctor, has not paid his salary. The petitioner, admittedly, continues to be in the employment of Government of Maharashtra as a Doctor.

2. In our opinion, merely because there is delay in

paying the salary, that could not alone be a change in the circumstance for the purpose of Section 127 to modify the order of maintenance. In any case, non-payment of salary to the petitioner by his employer may be a ground for seeking time for executing court for paying the amount of maintenance. In our opinion, on such a ground, order could not have been modified. We do not find any error in the order passed by the Family Court under Section 126.

3. Application is rejected.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)